

**Regular meeting** of the Town Board of the Town of Chester was held **December 11, 2007** at 7:30 pm in the Town of Chester Municipal Center Chestertown, NY.

Roll Call: Fred Monroe, Mike Packer, Frank Shaw (arrived around 8 pm), Edna Wells and Karen DuRose. Mark Schachner - Attorney for Town.

**Bid openings:**

One bid was received for fuel oil, diesel and kerosene.

**Buckman's Family Fuel Co.Inc.**, Box 448, Chestertown, NY 12817

**Bid - markup** \$.22 per gallon on fuel oil, low sulfur diesel fuel, kerosene and \$.18 mark up on fuel oil for 5000 gallons minimum delivery at municipal building. Servicemen available.

**RESOLUTION #150: ACCEPT BID FROM BUCKMAN'S FAMILY FUEL CO, INC. FOR FUEL OIL, DIESEL, AND KEROSENE DELIVERIES FOR THE YEAR 2008.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mr.Packer to accept bid from Buckman's Family Fuel Co. Inc. P O Box 448, Chestertown, NY for the delivery of: #2 fuel oil, kerosene, and diesel with a mark up of \$.22 per gallon and fuel oil for the town hall only with a mark up of \$.18 per gallon. Delivery will be to ski hut at Dynamite Hill, health center, Quonset hut and highway garage and Town Municipal Center.

AYE 4 NO 0

**One Bid received for Senior Transportation:**

Warren - Hamilton Community Action, Box 968, 190 Maple Street, Glens Falls, NY. Total \$\$8,925 for 2008: 51 trips cost per trip \$175.

**RESOLUTION #151: ACCEPT BID FROM WARREN-HAMILTON COMMUNITY ACTION FOR SENIOR TRANSPORTATION FOR THE YEAR 2008.**

Introduced by Mrs.DuRose, 2<sup>nd</sup> by Mrs.Wells to accept bid from Warren-Hamilton Community Action, Box 968, 190 Maple Street, Glens Falls, NY 12801 for Senior Transportation for the year 2008 in the amount of \$8,925 for 51 trips. Cost per trip is \$175.

AYE 4 NO 0

**Public Hearing:**

Public hearings for purpose of entering into contracts with:  
North Warren Chamber of Commerce to act as advertising agency for the Town of Chester in the amount of \$14,000 (A6410.4).  
North Warren Emergency Squad to furnish emergency ambulance service in the Town of Chester in the amount of \$50,000 (A4540.4).  
North Creek Fire District to provide fire protection in the amount of \$30,000 (SB3410.4).  
Riverside Volunteer Fire Co to provide fire protection in the amount of \$7,000 (SA3410.41) and Chestertown Fire Co to provided coverage in the Riverside Fire District in the amount of \$5,000 (SA3410.42).

Supervisor Monroe declared public hearing open at 7:50pm. No comments were heard from the floor. Public hearing was closed.

**RESOLUTION #152: AUTHORIZE SUPERVISOR TO ENTER INTO CONTRACTS FOR YEAR 2008.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mr.Packer authorizing the Supervisor to enter into the following contracts for the fiscal year 2008:

North Warren Chamber of Commerce to act as advertising agency for the Town of Chester in the amount of \$14,000 (A6410.4).

North Warren Emergency Squad to furnish emergency ambulance service in the Town of Chester in the amount of \$50,000 (A4540.4).

North Creek Fire District to provide fire protection in the amount of \$30,000 (SB3410.4).

Riverside Volunteer Fire Co to provide fire protection in the amount of \$7,000 (SA3410.41) and Chestertown Fire Co to provided coverage in the Riverside Fire District in the amount of \$5,000 (SA3410.42).

AYE 4 NO 0

**Public hearing continued on outdoor burning draft of local law - Tabled until Mark Schachner, Attorney for the Town, arrives.**

**RESOLUTION #153: ACCEPT MINUTES OF THE NOVEMBER MEETINGS.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mrs.Wells to accept minutes of the November 8, 13, and 29th Town Board meetings. AYE 4 NO 0

**Privilege of the floor:** no comments were received.

**Old Business:**

**Smart Growth Grant application** - Supervisor Monroe reported that the LA Group is working on the application and will be submitting prior to the deadline date of December 28.

Supervisor Monroe also stated that he has received a request from Warren County for the Towns to join in a Smart Growth Grant application, to review the solid waste management plan (that is about 20 years old). DEC would like to have some additional work done on recycling in the county.

Supervisor Monroe did say that this would be handled on the county level and no cost to the towns.

**RESOLUTION #154: AUTHORIZE TOWN OF CHESTER TO JOIN WITH WARREN COUNTY IN APPLYING FOR SMART GROWTH GRANT.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells authorizing Town of Chester to join with Warren County in applying for Smart Growth Grant. Application is for solid waste management plan and recycling.

AYE 5 NO 0

**Environmental Protection Fund \$53,000. Grant application for Schroon Lake Watershed Management Plan** - Town of Chester to be applicant for a grant. No cost to the Town.

**RESOLUTION #155: AUTHORIZE SUPERVISOR TO FILE APPLICATION FOR FUNDS**

**FROM THE NYS ENVIRONMENTAL PROTECTION FUND'S.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells:  
That Fredrick Monroe, as Supervisor of the Town of Chester, is hereby authorized and directed to file an application for funds from the NYS Environmental Protection Fund's 2007-08 Local Waterfront Revitalization Program in an amount not to exceed \$53,500 and upon approval of said request to enter into and execute a project agreement with the New York State Department of State for such financial assistance to the Town of Chester for the Schroon Lake Watershed Management Plan and further to carry out and comply with the terms of such project agreement.

AYE 5            NO 0

**Continued public hearing - from November's meeting - outdoor burning local law:**

Section 4 Penalties for offenses needs to be completed. Mr. Schachner thought the fines to be similar to the zoning law.

Also enforcement and how it would be handled. Mr. Schachner said that typically this is handled by a zoning officer and a notice of violation is issued.

No comments were received from the floor.

Councilperson Shaw is in support of the local law.

Supervisor Monroe closed public hearing.

Discussion on a maximum fine of \$250, with the amount being set by the Judge.

Councilperson DuRose asked if Mr. Tennyson has been asked about enforcing the Outdoor Burning local law.

Councilperson Wells requested that the residents need to be made aware of the local law and how would this be done.

Suggested that law be published in local papers and posting.

**RESOLUTION #156: ADOPT LOCAL LAW #1 OF 2007 FOR OUTDOOR BURNING.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells to adopt Local Law #1 of 2007 for Outdoor Burning with the fine set as a maximum of \$250 and law to be published in the local newspapers (Adirondack Journal and News Enterprise (North Creek)).

Roll Call vote: Fred Monroe - AYE    Mike Packer - NO

Frank Shaw - AYE    Edna Wells - AYE    Karen DuRose - AYE

**Larry Warner - snowplowing** - Mr. Warner stated that Woodridge Road ends at Cathy's Court, and the town currently is maintaining approximately 132' of private property. Supervisor Monroe has obtained the local road listing and the distance which is about 3/10<sup>th</sup> of a mile.

Mr. Warner has the dedication to the town. Supervisor Monroe will have highway superintendent, Gary Clark, review the information Mr. Warner has.

Mr. Warner inquired as to the Evergreen Lane issue, the correspondence with the zoning officer, attorney for the town, and resolution #117.

Supervisor Monroe turned meeting over to Deputy Supervisor Packer.

Mr. Schachner inquired as to what resolution #117 was. After reviewing

he stated that the Town Board had decided not to pursue legal action. Councilperson Shaw had proposed a resolution at the November meeting to pursue, but no second was made.

Mr. Warner asked if there was an explanation as to why this is not being pursued.

Councilperson DuRose's thought on this "was the money involved" and "as a representative of the people" didn't know "if it was practical or wise of us to be involved in what could be perceived as a personal matter." She also stated that she agreed with Mr. Warner and did not feel that issues were followed up on, that should have been (ten years ago or more), and "was not closing the door" on this.

Mr. Warner again referred to the letter from his insurance agent, that if there was an accident or an emergency vehicle unable to access property, the insurance company would "likely go after the town, because their lack of enforcing that road to be constructed per the planning board". He went onto say that this has been brought to the attention of the Town of Chester for two years now. Mr. Warner gave a brief review of letters that had been sent to Mr. Considine -

Two years ago:

1. Letter from Mr. Tennyson to Mr. Considine - directing road to be done.
2. Mr. Considine agreed to Mr. Tennyson - agreeing to it.
3. Follow up letter from Mr. Tennyson - reiterate, what was in meeting, agreeing to construct road.

Year and half ago:

4. Mr. Schachner sent letter to Mr. Considine - telling him he is suppose to build road.

Sept. 11, 2007:

5. Town Board passes resolution - telling Mr. Considine he needs to build road or legal action will be taken.
6. Another letter from Mr. Schachner - needs to construct road or an explanation. Mr. Considine attended meeting, Mr. Warner did not feel that an explanation was given as to why the road hadn't been done.

Mr. Warner also felt that enforcement seems to be a big issue in many different areas, not just in this situation.

Councilperson DuRose suggested that this be again discuss in executive session.

Councilperson Shaw expressed his feelings.

Mr. Schachner reiterated Mr. Shaw's comments. Town Board made its decision on the fact that this is not a "cut and dry situation". The decision made "was to not actively pursue the matter that was authorized by resolution #117".

Deputy Supervisor Packer stated that mainly the Town Board is just "assessing the situation." Will be reviewed again.

**Pumphouse wiring - Generator bid** - pump houses have all been wired. Discussion on bidding out for a generator. Supervisor Monroe request that Councilperson Packer review the bid specs (prepared by Roger Schroeder).

**RESOLUTION #157: AUTHORIZE TO ADVERTISE FOR BIDS FOR A TRAILER MOUNTED GENERATOR.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mr.Shaw authorizing to advertise for bids for a trailer mounted generator. Bid opening to be January 8, 2008 at 7:30 pm. Contingent on Councilperson Packers approval of specs. AYE 5 NO 0

**New Business:**

**Layton septic variance** - Tom Hutchins, acting on behalf of the owners Marilyn and Roy Layton, explained the reason for the variance that is needed for the proposed Eljen system. Town Board will set date for public hearing.

**RESOLUTION #158: SET DATE FOR PUBLIC HEARING ON LAYTON VARIANCE.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mrs.Wells to set date for public hearing on January 8, 2008 at 7:00pm on the Layton Wastewater Variance. AYE 5 NO 0

**Gary Clark - named conservasionist of the Year by W.C. Soil and Water Conservation District.** Town Board recognizes Gary's award and will plan on doing a certificate for him.

**Request to approve Rivers Edge water and sewer transportation**

**corporations** - Rob Simon, attorney from Smith & Simon, explained that Rivers Edge is a 24 unit town house development that is being set up on River Road (north end Town of Chester). Present plan for the development: septic system will serve more than one unit and a community water system. DEC and DOH policy is that a transportation corporation has to be created when more than one unit is being served by either water or sewer. Planning board has conditionally approved this subject to APA approval, and DEC and DOH.

Two transportation corporations are needed (sewer and water) and a home owners association.

Water: need approval of highway superintendent

Septic: town will review plans.

Jim Hutchins explained the systems that are being considered for just this development.

Mr.Schachner explained that the Town's role in this process would be simply to approve the formation/or not of the private transportation corporations (water and sewer). Request that all documentation be complete.

Mr.Simon will provide all information at the January meeting (proposed certificates of incorporation, some documentation on homeowners corporation being sole share holder, expenses of maintenance pass to homeowners association, that the HOA will pass the charges on to the owners as common charges, and that the HOA will have a lien on the units for unpaid common charges).

Mr.Schachner stated that what was needed would be "an affimative statement that the Town of Chester bears no obligation for provision of sewer and/or water services."

**RESOLUTION #159: AUTHORIZE SUPERVISOR TO SIGN SNOW AND ICE CONTRACT WITH WARREN COUNTY FOR FISCAL YEAR 2008.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mrs.Wells authorizing Supervisor to sign contract with Warren County for snow and ice removal for the fiscal year 2008. Included in contract is sweeping of roads and mowing. Total miles 32.87.

AYE 5 NO 0

**Americade stop on poker run in Chester** - Supervisor Monroe has received a request from Bill Dutcher, Americade, that the hamlet is being considered for a stopping point on the poker run.

**Request for occupancy tax contribution to fire chiefs' meeting** - County has passed resolution in the amount \$50,000 and request Towns to pay balance of \$100,000 pro-rata based upon their amounts of distribution of occupancy tax. Supervisor Monroe stated that Bolton and Lake George have agreed to contribute \$20,000 each. Discussion on how much should be contributed by the Town of Chester.

**RESOLUTION #160: APPROVE CONTRIBUTION OF \$2,000 FOR NYS ASSOCIATION OF FIRE CHIEFS' CONVENTION.**

Introduced by Mr.Packer, 2<sup>nd</sup> by Mrs. Wells approving the Town of Chester to contribute \$2,000 for NYS Association of Fire Chiefs' Convention. Funding will be from Occupancy tax.

AYE 5 NO 0

**RESOLUTION #161: AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH GORE MOUNTAIN FOR SKI PROGRAM.**

Introduced by Mr.Shaw, 2<sup>nd</sup> by Mrs.Wells authorizing Supervisor to sign contract with Gore Mountain for Ski program and request contract.

AYE 5 NO 0

**RESOLUTION #162: SET DATE FOR RE-ORGANIZATIONAL MEETING IN JANUARY.**

Introduced by Mrs.Wells, 2<sup>nd</sup> by Mrs.DuRose to set January 3, 2008 (Thursday) at 7:00 pm for Re-Organizational meeting.

AYE 5 NO 0

No end of year meeting will be needed according to Supervisor Monroe.

**RESOLUTION #163: RE-APPOINT KEN MARCHESELLI TO ZONING BOARD OF APPEALS, GARY SMITH TO SCHROON LAKE PARK COMMISSION, KEN RAISNER TO PLANNING BOARD AND JOHN RUGGE M.D. FOR HEALTH OFFICER.**

Introduced by Mr.Shaw, 2<sup>nd</sup> Mr.Packer to re-appoint Ken Marcheselli to Zoning Board of Appeals, term is for five (5) years and ends 12-31-2012. Re-appoint Gary Smith to Schroon Lake Park Commission, term is for three (3) years and ends 12-31-2010. Re-appoint Ken Raisner to Planning Board, term is for seven (7) years and ends 4-21-2014 and re-appoint John Rugge, M.D. for health officer, 4 year term ends 12-31-2011.

AYE 5 NO 0

**RESOLUTION #164: AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH CONVENIENT MEDICAL CARE FOR DRUG AND ALCOHOL TESTING.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells authorizing Supervisor Monroe to sign Contract with Convenient Medical Care for Drug and Alcohol Testing to provide drug and alcohol testing service for 2008.

AYE 5 NO 0

**Zoning office proposal to charge additional fees for legal and technical review**

- Supervisor Monroe stated that he had received a request from zoning secretary to consider fees to be charged in cases where there is litigation.

Mr. Monroe and Supervisor Monroe determined that it was probably up to the zba and planning boards, and did not require town board approval, because it is already in local law. It was interpreted that if an engineer is needed to review project or a lawyer to review a legal aspect, that an additional fee could be asked for.

Councilperson Shaw felt the intent was that the fees would be charged off. He went on to say that if there was an expense to the town, that required the town to engage some type of a technical or legal review that those charges would be incurred by the requesting party (applicant).

Supervisor Monroe inquired as to when would a fee be charged and how would it be done. Mr. Schachner reviewed the different ways it can be done. Some municipalities charge an up-front fee, while others charge the application fee and then after a review of an application if engineering or legal assistance is required the fee is assessed to the applicant.

Two ways in which this can be done:

1. At the time of decision making ask/or seek reimbursement from the applicant.
2. Upon identifying a need for engineering or legal assistance, get the fee at that time and put in escrow.

Mr. Schachner recommends option 2.

Supervisor Monroe asked Mr. Tennyson to inform Pat of the discussion.

**Remove street lights?** Discussion on having a committee review which street lights could be removed.

**RESOLUTION #165: APPROVE MEMORANDUM OF UNDERSTANDING WITH DEC.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mr. Packer to approve Memorandum of Understanding with DEC.

AYE 5 NO 0

**Word of Life assessment litigation settlement** - Mr. Schachner stated that there has been correspondence back and forth. Not quite done.

**Authorize hiring Nancy Clark and Tom Wolf as full time employees** - Supervisor Monroe reported that posting has been done.

**RESOLUTION#166: AUTHORIZE HIRING OF NANCY CLARK AND TOM WOLF.**

Introduced by Mrs. Wells, 2<sup>nd</sup> by Mrs. DuRose authorizing the hiring

of Tom Wolf and Nancy Clark as full time employees.

AYE 5 NO 0

**Bradway car crushing agreement** - Supervisor Monroe has contacted DEC. Various issues need to be discuss in Executive session. Concerns over Bradway's proposal being 5% of the net. This would require accurate records being kept and being reviewed by the Town Board. An alternative would be a percentage of the gross. John Bradway expressed concern over accessing area (transfer station) during none working hours and if this would be a problem. **Tabled to Executive session.**

**Health insurance agreement** - Supervisor Monroe has been negotiating with the Bargaining Unit. There is a provision in CSEA contract that says "we would provide the bargaining unit employees with Empire Blue Cross Option 5."

The new rates for 2008 have increased greatly. Other plans have been reviewed. One plan being considered is Trivantage. Supervisor Monroe stated that he discuss with the Union that if they would agree to switch to that plan, that he would ask the Town Board to consider either sharing the savings (50-50 example being if \$3600 was saved offer \$1800 to be used for flexible spending account or health care reimbursement account, which the health care reimbursement account can be rolled over to the following year). This has been rejected with the Bargaining unit.

The retirees are in favor of the Traditional Blue Medicare PPO standard plan. This would reduce premiums. Again the health care reimbursement account can be used. Minimum of 5 people are needed, if non bargaining unit retirees are included there would be 5. Councilperson Shaw asked if it would be one plan for everyone. He also expressed concerns over a certain retiree.

Bargaining unit has said they don't want the Trivantage plan but they do want the option of the Blue Shield Medicare plan for their retirees.

**Tabled until executive session.**

**Personnel matter** - executive session.- June Maxam complaint.

Councilperson DuRose request/petition for ATVs to use Perry Road and Igera Road.

Mr.Schachner stated that there is a provision of the Vehicle and Traffic law in regards to use of ATVs. Certain requirements are stated in the law.

The law does allow the Town to authorize ATV use along the shoulders of the road under certain circumstances, one of which is it deems access to trails which otherwise cannot be reached.

Councilperson Shaw recommends a public hearing.

**RESOLUTION #167: AUTHORIZE ATTORNEY FOR TOWN TO RESEARCH USE OF ATVS ON TOWN ROADS AND SET DATE FOR PUBLIC HEARING.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mr. Packer authorizing attorney for the Town to research use of ATVs on Town roads and set date for public hearing on January 8, 2008 at 7:30pm.

Roll call: Fred Monroe - AYE Frank Shaw - AYE Mike Packer - AYE Edna Wells - AYE Karen DuRose - ABSTAIN

Request from John West to consider increasing Tish Edwards pay from \$8.57 to \$10 per hour. **Tabled.**

Councilperson Packer reviewed the generator specs and approved them.

**RESOLUTION #168: AUTHORIZE PAYMENT OF ABSTRACT AND APPROVE AMENDMENTS TO THE 2007 BUDGET.**

Introduced by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells authorizing payment of abstract and approve budget amendments:

General Fund	\$ 89,803.02	(551-605)
Highway Fund	\$ 70,774.54	(215-240)
Chestertown water	\$ 5,119.15	( 72- 80)
Pottersville Water	\$ 4,394.94	( 78- 86)
Library	\$ 3,020.91	( 46- 49)

Amendments to 2007 budget

A1110.4 court - contr expend	<- 2000>
A1220.2 spvr - equipment	<- 1000>
A1355.4 assessor-contr expend	<- 2500>
A1410.4 town clerk - contr expend	+ 100
A1420.4 legal-attorney-contr expend	+ 5000
A1660.4 central supplies - contr exp	<- 200>
A1670.4 central printing & copying	+ 200
A1910.4 insurance	<- 1000>
A3310.4 traffic signs	<- 2000>
A4560.4 health center contr expend	+2000
A5182.4 street lights - electric con	+5000
A6410.41 Tourism promotion - occ tax	<- 3000>
A6410.46 dock - occ tax	+ 3000
A7140.11 beach - pers srvcs	+ 300
A7140.21 beach - equipment	<- 1200>
A7310.1 youth -recreation - pers srvcs	<- 700>
A7310.2 youth - recreation - equipment	+ 700
A7310.21 youth -service -equipment	<- 300>
A7310.41 youth - service - contr expend	<- 2000>
A8010.12 zoning-ZBA members - pers srvc	<- 600>
A8010.2 zoning - equipment	<- 400>
A8010.41 zoning - legal	+3000
A8020.1 planning - pers srvcs	<- 400>
A8810.1 cemeteries - pers srvcs	<- 500>
A8810.4 cemeteries - contr expend	<- 1500>

CD HUD - HOUSING REHAB

CD 4910 Estimated revenues <-400,000>

CD 8668.4 appropriations-rehab grants <-380,000>

CD 8686.4 appropriations-administration <- 20,000>

To eliminate this fund from 2007 budget. The grant was to Warren County for the benefit of the Town of Chester and is not on our books.

AYE 5 NO 0

Councilperson Packer again inquired about the Pottersville decorative streetlights and if the bill is still in question. Supervisor Monroe has not heard from the contractor.

Councilperson DuRose inquired about Jason Howe being allowed livestock at his residence. Supervisor Monroe stated he referred the "note" to Pat.

He said that Walt Tennyson, zoning administrator, wrote to Mr. Howe in regards to the complaint.

**Motion** by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells Town Board went into Executive Session to discuss Bradway car crushing agreement; health insurance agreement - for retirees; personnel matter - complaint from June Maxam against Walt Tennyson; and Warner/Considine Evergreen Lane. Motion by Mr. Shaw, 2<sup>nd</sup> by Mrs. Wells Town Board resumed regular session. No action taken.

**Meeting** was adjourned at 11:45pm.

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Town Clerk

(tape recording used for  
minutes - town clerk was absent)

#### NOTICE OF PUBLIC HEARING

#### TOWN OF CHESTER

The Town Board of the Town of Chester, Warren County, NY will conduct a Public Hearing on Tuesday, January 8, 2008, at 7:30pm for the use of ATV's on designated town roads within the Town of Chester.

Bernice Roberts, Town Clerk.